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US 10/560,249

This fax replace the previous

(I hope!)

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Date :January 22, 2009

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Application 10/560,249 filed on 02/27/2006
Name of applicant : Goulven VERNOIS
Title of invention : System for data collection and distribution

To : Mr Winston M. ALVARADO - Art Unit 2186

Via fax 571 273 8300

Objet : New claims

21 sheets with this

Goulven VERNOIS

Dear Sir,

A – Translation mistake in the English PCT text
In the original french text, page 1, "***Réponse de l'invention au problème posé.***", second paragraph, one can read :

*L'invention introduit un aspect fondamental nouveau dans la distribution des données informatiques : la possibilité pour les producteurs de ces données, ou les labels les représentant, de **charger** ces données quasi automatiquement sur le moyen de stockage de masse, au prix de la location du volume de ce moyen de stockage de masse occupé par ces données chargées.*

The translation has been, **page 1, line 40** :
*"The invention intruduces a new fondamental aspect into the distribution of the data: the possibility for the producers of these data, or for the labels representing them quasi automatically to **charge** these data on the mass memory of a slot-machine..."*

This is bad because the English translation of this French "charge", in computer language, is "load".

The correct English text becomes :
*"The invention intruduces a new fondamental aspect /.../ quasi automatically to ~~charge~~ **load** these data on the mass memory of a slot-machine..."*

ASK FOR AMENDMENT
So, I ask for the replacement of the word "charge" by the word "load" in this paragraph.

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B – Amended claims
This application has been deposited also in Russia, China, India and UE.
After first first action in Russia and China, I have amended the claims.
I think that these amended claims are better than the former claims.
The guiding principe of these new claims is to divide the claims into the three main and inseparable components of the invention.

(Claims listing pages 7-9)
(Correspondence between claims and description, pages 10-13)

The amended claims are became 3 independent claims and 9 dependent claims.
In this way, the heart of the invention, the means of analysis of data (former claim 3), becomes the first independent claim.
The hiring of capacity of mass memory (former claim 6) becomes the second independent claim.
The reader of data brought by producer/creator (former claim 1) becomes the third independent claim.

New claims first to 6th - Spectra and comparison of data works – Producer and creator
New first claim is former claim 3.
The goal of the invention is obviously to load new and original data works of a creator, and not to load under a new name, and/or with new authors's names, an old known data works.
This basic distinction can be only made by the comparison of the data works brought by a producer with all the other existing known data works, and distinguishing true creator from ordinary producer.
The means of analysis solves the fundamental technical problem of the Autonomous Machine which is to be legally credible with respect of copyright and intellectual property. .
This is do, according to the invention, by the means of analysys doing a spectrum of a data works, and comparing spectra between them, in particular, the spectrum of data brought by a producer with the spectra included in the mass memory.
In 2004. when I have wrote my text, the technical language of the musical or lexical recognition of works was not truly fixed, and I have used the word "spectrum".
Now, the French usual term is "empreinte numérique", and the more English term is "fingerprint", the English term for this technic being "fingerprinting".
In abstract of the US patent 5,918,223, (June 29, 1999) the words "*a set of numeric values (a feature vector)*" are very close to my word "*spectrum*".

New claims 7th to 10th - Hiring of capacity of the mass memory
New claim 7th is former claim 6.
The goal of the invention can not be achieved without solve the technical problem of the legal connection between the producers/creators and the Autonomous machine.
The hiring of the part of the mass memory occupied by the data works and its attached pieces, spectra, advertisement, seems the best solution at this technical problem.
As shows in the reply to Russian Office Action (see below), the principle of the hiring of part of mass memory belong to the well known former art, and the means of the Autonomous machine are able to achieve this hiring.

New claims 11th to 12th - Reading and loading of data works brought by a creator
New claim 11th is former claim 1.
The goal of the invention is to allow the loading of new data work of creators in the mass memory of the "Autonomous machine for data collection and distribution".
I think that the verb "bring" is obvious to mean the action of a producer/creator in front of the Autonomous Machine with its data works, even if "submit" is also well.
It is certain that one finds in former art a very great number of devices having a reader allowing to load data on the memory of the device.
Up to now there was not quotation of anteriority concerning exactly a data slot-machine with mass memory, having means of analysis allowing to determine a true creator, and hiring to this true creator a capacity of the mass memory.

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C - Texts added
Reply to the enquiry of the Russian examiner
Enquiry of the Russian examiner
US patent Blum and Al 5,918,223, June 1999 (firm AudibleMagic, for musical recognition)
I think that the Russian inquiry is very interesting by its approach of the invention.
Particularly the Russian examiner does not secret of his ignorance of fingerprinting, and ask for information, contrary to the OEB examiner.
So, I give here a part of my reply.

ANSWERS TO THE RUSSIAN EXAMINER
(Please, read the enquiry of the examiner, added sheets)

a) - Reader intended for the reading of the works of producers/creators - Reznikov F.N.
b) - Enquiry page 3, line 22: Significance of " musical and/or lexical fingerprint " and " hallmarks "
c) - Enquiry page 3, line 20: " each part of audio-video data... "
d) - Enquiry page 4, line 9 - Need for a comparator of numerical fingerprints to achieve the goal of the invention: " To allow this easy access of the producers to this means of diffusion... ".
e) - Enquiry page 3, line 24 - Hiring of a volume of the mass memory - Selected legal solution to the obliged relations Creator/Distributor
f) - News claims

a) - Reader intended for the reading of the works of producers/creators - Reznikov F.N.
None the anteriorities quoted in the research report describes a reader laid out on a CD or DVD slot-machine to read CD or DVD brought by a creator, and intended to be charged in the mass memory of a distributor, after the comparison between its contents and the contents of the said mass memory, and payment of the hiring of the volume of this memory which will be occupied.

The work of Reznikov F.N. is a general work who the subject is the creation and the copy of optical discs.
On no account this work describes the provision on an automatic machine of distribution of optical discs, of an optical disk reader intended to read a work brought by a creator and intended to be charged on the mass memory of this distributor.

One can thus affirm that it was not quoted up to now any anteriority with the addition of a reader according to the invention.

Page 3 of the description there are 4 lines, lines 2, 3, 5, 6, to describe the loading of the mass memory by the reading of CD and DVD, and 25 lines to describe the technical characteristics of the selection of the data and the hiring of the volume of the mass memory which will be occupied.

Regardless of a reader dedicated to the reading of works brought by a creator, these characteristics, selection by comparison of numerical fingerprints, and hiring, make of this distributor a new industrial object credible and marketable.

b) - Enquiry page 3, line 22: Significance of " musical and/or lexical fingerprint " and " hallmarks "
In the context of the invention, musical fingerprint and hallmark indicate a code resulting from a complex musical analysis of a piece of music, characterizing in a single way this piece, and making it possible to classify it among other pieces of music, or to compare it with other pieces of music, and also to bring it closer to a particular composer.
In the context of the invention, lexical fingerprint indicates a code resulting from an complex analysis semantic and musical of a text, characterizing in a single way this text, and allowing

to classify it among other texts, or to compare it with other texts, and also to bring it closer to a particular writer.
It should be noted that the analysis of a text is not purely semantic but is also musical, the reading aloud, and even the quiet reading, creating a music which can be analyzed and which appears in the resulting code.
This can be checked by each one at the time of research of a personal code easy to memorize.
One can choose a code pointing out an event, a date for example, but one can also choose a succession of figures or letters having a certain music and of this fact easier to memorize, this " music " interior being specific to each one.
Studies of this type made it possible to ensure that certain texts of Molière (classical French dramatic author) had been very influenced by Corneille (other dramatic French author), or even written by this one, that in which the specialists suspected for a long time (unless, of course, that Molière voluntarily imitated the style of Cornellle).

Lexical fingerprint is thus the equivalent for a text of musical fingerprint for a musical work.

During the drafting of the text, in 2004, the vocabulary of these very recent techniques was not really fixed, and the term " hallmark " was used as well as " fingerprint " in the literature of English language.
Currently, in France, the term more employed by the professionals of these techniques is **"empreinte numérique"**, that it is of audio-visual music, œuvre, or text.
Unfortunately, this term, which is very significant for French, even non-specialist, does not have true translation in English.
With this the existence of terms " deposited " is added, being written with a capital letter, like " Signature " or " Wavessence " (!) in France, or " CopySence " in the USA.
The general English term characterizing these techniques is " fingerprinting ".

In one of the oldest US patents of musical recognition, patented by AudibleMagic in 1999, **Blum and Al 5,918,223, June 29, 1999**, the term employed is " a feature vector " to summarize " a set of numeric values".

The use of "empreinte numérique" in French, or of its English equivalent " numerical fingerprint " seems to be the best solution with this problem of vocabulary.

These long codes of musical, audio-visual or lexical recognition, should not be confused with a cryptographic key, elements of identification and integrity of a message, used in the transmission of messages, in general called " public key " and " private key ", and which are produced by simple methods, for example of chopping of the data, and which do not have any relationship with the significance of the protected text.
In this cryptographic system of protection by keys, the smallest modification of the text is perceived in all or nothing.

c) - Enquiry page 3, line 20: " each part of audio-video data... "
In the description of former art, page 1 of specification, is evoked the distributors of optical discs not having stock of CD or DVD engraved, ready at the sale, but a stock of virgin discs, an engraver, and a bank of data charged on a mass memory.
Taking into account the use of these distributors, which is to distribute audio-visual works, the contents of the mass memory is necessarily at least made up of these audio-visual works intended to be engraved and sold.
In evoked former art, these œuvres can be accompanied by a presentation and a publicity.

The invention adds to each one of these works its numerical print according to claim 4, by charging this print on the mass memory using the means of writing of the preamble of this claim, so that the numerical print of a news work presented can be compared with the numerical prints contained in the mass memory, which wants to say that a news work could be compared with the works existing in the mass memory, or with the works whose only numerical fingerprint will exist in this memory, the distributor which can not have the licence of sale of all the world works.

To point out this former art, the preamble of new claim 1 will evoke the existence of the works contained in the mass memory.
"a *mass memory containing the data likely to be sold by the distributing machine*

d) - Enquiry page 4, line 9 - Need for a comparator of numerical fingerprints to achieve the goal of the invention: " To allow this easy access of the producers to this means of diffusion... ".
The producers who are mentioned page 1 of the description and page 2 of the enquiry are by definition and necessarily producers/creators **of new works**, and this status of producers/creators **of new works** can be validated only by the comparison of the works brought by an alleged producer/creator with the existing works.
This is done according to the invention by the means of comparison of the numerical fingerprints which can compare the works or the works brought by an alleged producer/creator with the totality of the existing works in the world, whose numerical fingerprints can be held up to date in the mass memory, without that all the corresponding works would bee available to the sale by the automatic distributor.

There existed already, at the date of anteriority, firms which proposed the numerical prints of a very great number of audio-visual works.
Currently certain firms claim to have the numerical prints of all the known songs, without they specifying unfortunately if they are only the songs in English language.
There existed already, at the date of priority of this application, hard disks of 500 GO making it possible to store on only one disc the totality of the known songs, accompanied by their numerical fingerprints.
On two of these hard disks could be stored the totality of the known musics and their numerical fingerprints.
In a small part of the volume of an office PC, and thus in the volume of the slot-machine according to the invention, could already be stored, at the date of priority, the fingerprints allowing to say if an alleged producer/creator is a true producer/creator.

Creation of a new industrial object - Checking of the originality of a work
The implementation to a new object of old techniques, creating a new industrial object, is a criterion of patentability necessary and sufficient.
An automatic collector-distributor **likely to put on sale under the name of an alleged new creator an old work would not be credible**.
It could infringe accidentally or voluntarily the laws on the intellectual ownership, and of this fact could not be practically marketed nor even practically used.

From the moment when this collector-distributor is suitable for check if the work which is proposed to him is original, i.e. sufficiently distant from an existing œuvre so that one cannot show it plagiarism, it becomes an attracting new industrial product.

It is thus seen that the means of creation and comparison of numerical fingerprints makes it possible to achieve in a way necessary and sufficient the goal of the invention by recognizing the true producer/creator to which the invention is addressed.

It was not quoted anteriority to this selection by comparison of numerical fingerprints, in the precise case of a slot-machine which is the object of this application.

e) - Enquiry page 3, line 24 - Hiring of a volume of the mass memory - Selected legal solution to the obliged relations Créator/Distributor
Within the framework of the goal of the invention " **To allow this easy access of the producers to this means of diffusion...** ", raises the question of the legal relation of the accepted producer/creator with the slot-machine.
There are several possible solutions.
The first is the pure and simple purchase of the œuvre to its creator by the slot-machine which then takes on him the totality of the financial risk.
The second is the free deposit of the work by its creator who will be satisfied with the hoped royalties, and who also does not take any financial risk.

But it should well be seen that the deposit of œuvres of a creator in the slot-machine creates legal bonds which it is necessary to specify and if possible concretize by a financial transaction engaging the two parts.
The simplest base of a contract engaging the two parts seems well the hiring of the volume occupied in the mass memory.
This volume is an objective element of an economic calculation of the distributor, and this volume cannot be disputed by the creator depositing.
The hiring implies a concept of duration essential in a contract.
The litigations being able to intervene about the not payment of a not cancelled hiring will concern the applicable right commerciable, thus besides that the conditions of cancellation which can be related to the commercial success of the œuvres deposited.
The amount of the hiring can be only symbolic.
But it is necessary, since there will be a division of the incomes, that there is a division of the financial risks.
The slot-machine not being able to take on a commitment on one unspecified duration, the hiring of the volume occupied by the œuvre and its appendices are thus the only balanced method pratiquable **and taking part in the goal of the invention**, and probably the only method whose financial risks would be insurable.

The hiring of volumes of the mass memory creates a new economic model of collector-distributor of numerical data whose financial entries are of two kinds: the sale of the works and the hiring of volumes of the mass memory, even if these financial entries are not of the same order.

If an economic model is not patentable, the use of technical means which allow it is patentable, which is the case of means determining the volume which will be occupied, and fixing the price of hiring of this volume.

The techniques allowing the evaluation of a volume of memory and the fixing of a price of hiring belong to former art, very former to the date of priority of this application.
A very known and old example is the hiring of a volume of memory by the providers of the sites internet.
I think that this example is sufficiently known, old and multiple, so that it is not necessary to dismount its mechanism.
It is indeed a hiring for the availability by a provider of sites of a definite volume of memory for a definite price is always limited in time, and renewable.

In the case of the presente invention, the means of determining the price of the hiring exist.
Indeed, the affected reader to the reading of the works of a creator knows the number of bytes of a work read, his presentation and a possible plubicity, and the means of analysis knows the number of bytes of the numerical fingerprint.
Under these conditions the volume of the mass memory having to be occupied is known, and the price of the hiring results from the price of hiring by bytes which can be posted on the distributor.
The mechanism and the means of costing of hiring are thus the same ones as those determining the price to pay to obtain a selected and engraved œuvre, mechanism pertaining to former art.
In the same manner, the mechanism authorizing the writing on the mass memory only when the payment of the hiring is carries out is the same one as mecanism authorizing the delivery of a support containing the œuvre selected by a customer only when the payment of this support was carried out.

The new application of these old techniques to the mass memory of a slot-machine of former art thus has well the character of an invention and is integrated in a necessary way to the goal of the invention by bringing a technical particular solution to the legal problem of the deposit and exploitation of a work.

f) - Division of the claims in 3 independent claims and 9 dependent claims.

CLAIMS LISTING

FORMER CLAIMS February 17, 2006.

1 (Canceled) Autonomous data distributing-machine having at least:
a mass memory;
a means of selection of the data contained in the mass memory;
a means of loading the data selected on independent data supports:
characterized in that it has a reader directly accessible from outer, and dedicated to the reading of data supports brought by a creator, for example CD or DVD;

2 (Canceled) Autonomous data distributing-machine according to claim 1,
characterized in that it has an intermediate memory in which will be charged temporarily the data read by the reader dedicated to the reading of the data support brought by a creator;

3 (Canceled) Autonomous data distributing-machine according to claim 1,
characterized in that it has a means of analysis providing a musical and/or lexical fingerprint or hallmark of each audio-visual piece constituting the data brought by a creator, and read by the dedicated reader;

4 (Canceled) Autonomous data distributing-machine according to claim 1,
characterized in that to each piece of audio-visual data existing in the mass memory is added its musical and/or lexical fingerprint or hallmark,

5 (Canceled) Autonomous data distributing-machine according to claim 1,
characterized in that it has a means of comparison of the musical and/or lexical fingerprints or hallmarks allowing to the said autonomous data distributing-machine :
a) to compare an audio-visual piece brought by a creator with audio-visual pieces existing in mass memory.
b) to accept or refuse the pieces brought by the creator,

6 (Canceled) Autonomous data distributing-machine according to claim 1,
characterized in that it has a means to fix the price of hiring of the memory capacity which will be occupied by the accepted audio-visual data, increased by their musical and/or lexical fingerprints or hallmarks, and on standby in the intermediate memory.

7 (Canceled) Autonomous data distributing-machine according to claim 1,
characterized in that it has a specific means of payment authorizing the loading in the mass memory, of the data in standby in the intermediate memory, when the payment of the hiring is made.

8 (Canceled) Autonomous slot-machine of data according to claim 1,
characterized in that the means of analysis of the data determines and displays, in absolute value and expressed as a percentage, the sums which will be versed to the creators and/or legal claimants of the data choosen by user.

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NEW claims January 21, 2009
Claims 9 to 14 - Creation and comparison of numerical fingerprints
Claims 15 to 19 - Hiring of capacity of the mass memory
Claims 20 and 21 - Reading of data works brought by a creator
Claims 9-20 (new) - MPEP 1.121(1)

Autonomous data distributing machine having at least :
a mass memory containing the data intended to be sold by the distributing machine;
a means of selection of the data contained in the mass memory;
a means of loading the data selected on independent data supports;
a means of setting the price to pay by customer to obtain the independant data support loaded with selected data;
a means of payment of the said price;
a means of availability of these independants data supports to customers;
a means of reading independent data supports brought by a creator;
a means of intermediate memory to put in standby the data brought by a creator;
a means of writing on the mass memory the data brought by a creator;
characterized in that it has means of analysis allowing the creation of numerical fingerprints of musical and audio-video data works and allowing the comparison of such numerical fingerprints.

10) Autonomous data distributing machine according to claim 9,
characterized in that the means of analysis creates a numerical fingerprint of each data works brought by the creator.

11) Autonomous data distributing machine according to claim 9,
characterized in that to each data work contained in the mass memory is added its numerical fingerprint.

12) Autonomous data distributing machine according to claim 9,
characterized in that the means of analisys compare the numerical fingerprints of the data works brought by the creator with the numerical fingerprints contained in the mass memory.

13) Autonomous data distributing machine according to claim 9,
charaterized in that the means of analisys accepts or refuses the loading on the mass memory of the data works brought by the creator and in standby in the intermediate memory.

14) Autonomous data distributing machine according to claim 9,
charaterized in that in case of indecision of the means of analysis, this means calls distant means, computer means or human means.

15) Autonomous data distributing machine having at least :
a mass memory containing the data intended to be sold by the distributing machine;
a means of selection of the data contained in the mass memory;
a means of loading the data selected on independent data supports;
a means of setting the price to pay by customer to obtain the independant data support loaded with selected data;
a means of payment of the said price;
a means of availability of these independants data supports to customers;
a means of reading independent data supports brought by a creator;
a means of intermediate memory to put in standby the data brought by a creator;
a means of writing on the mass memory the data brought by a creator;
characterized in that it has a means to determine the capacity of the mass memory which will be occupied by the data brought by a creator and in standby in the intermediate memory.

16) Autonomous data distributing machine according to claim 15,

characterized in that it has a means to set the price of the hiring of the capacity of the mass memory which will be occupied by the data brought by a creator and in standby in the intermediate memory, and eventually in mass memories of distant other data distributing machines.

17) Autonomous data distributing machine according to claim 15,
characterized in that the means of setting the price to pay by a customer to obtain an independent support lodead with selected data, or a particular means, sets the price to pay by the creator to load in the mass memory the data in standby in the intermediate memory.

18) Autonomous data distributing machine according to claim 15,
charaterized in that the means of payment of the price for obtain independent data support loaded with selected data, or a particular means, authorises the loading on the mass memory of the data brought by a creator and in standby in the intermediate memory only when the price of the hiring is paid.

19) Autonomous data distributing-machine having at least :
a mass memory containing the data intended to be sold by the distributing machine;
a means of selection of the data contained in the mass memory;
a means of loading the data selected on independent data supports;
a means of setting the price to pay by customer to obtain the independant data support loaded with selected data;
a means of payment of the said price;
a means of availability of these independants data supports to customers;
a means of analysis allowing the creation and the comparison of numerical fingerprint;
characterized in that it has a means of reading independent data supports brought by a creator.

20) Autonomous data distributing machine according to claim 19,
characterized in that it has an intermediate memory to put in standby the data brought by a creator.

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CORRESPONDENCE BETWEEN CLAIMS AND DESCRIPTION

The pertinent elements of the description (**original text (DI20051120)**), are inserted in italic in the claims.
This original text (**DI20051120**) is appended in original pagination 1-4.

9) Autonomous data distributing machine having at least :
a mass memory containing the data intended to be sold by the distributing machine;
a means of selection of the data contained in the mass memory;
a means of loading the data selected on independent data supports;
a means of setting the price to pay by customer to obtain the independant data support loaded with selected data;
a means of payment of the said price;
a means of availability of these independants data supports to customers;
a means of reading independent data supports brought by a creator;
a means of intermediate memory to put in standby the data brought by a creator;
a means of writing on the mass memory the data brought by a creator;
characterized in that it has means of analysis allowing the creation of numerical fingerprints of musical and audio-video data works, and allowing the comparison of such numerical fingerprints.

Page 1, line 47 :
The reading device makes an analysis of these data, accepts them or not, .../...
Page 2, lines 4-6 :
Reader 11 of these independent supports containing the data to be loaded on the mass memory 6 transmits these data to a local 12 or distant 12a, automatic or human, means of analysis, which decides acceptance or refusal of the data, .../...
Page 2, lines 39-42 :
***12 and 12a - According to the invention** - Means of analysis of the data to be written on the mass memory 6*
***12b and 12c - According to the invention** - Spectra of musical and lexical data to be compared*
Page 3, lines 8 -10 :
This suitable reader 11 includes a means of temporary storage 11a in connection with a means of analysis local 12, or distant 12a, purely data-processing or with human component.

10) Autonomous data distributing machine according to claim 9,
characterized in that the means of analysis creates a numerical fingerprint of each data works brought by the creator.

Page 3, lines 15-17 :
In the case of musical data, the means of analysis 12 or 12a does a spectrum 12b of musical notations, and a lexical analysis of the text possibly accompanying the music, per separated pieces,.../...

11) Autonomous data distributing machine according to claim 9,
characterized in that to each data work contained in the mass memory is added its numerical fingerprint.

Page 3, lines 17-19 :
.../...and compares this spectrum and this lexical analysis with the spectra and lexical analyses 12c contained in the mass memory and accompanying each unit of stored musical data.

12) Autonomous data distributing machine according to claim 9,
characterized in that the means of analisys compare the numerical fingerprints of the data works brought by the creator with the numerical fingerprints contained in the mass memory.

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Page 3, lines 17-19 (idem claim 11)
.../...and compares this spectrum and this lexical analysis with the spectra and lexical analyses 12c contained in the mass memory and accompanying each unit of stored musical data.

13) Autonomous data distributing machine according to claim 9,
charaterized in that the means of analisys accepts or refuses the loading on the mass memory of the data works brought by the creator and in standby in the intermediate memory.

Page 3, line 28 :
With the resulting one from this analysis, the data either are refused, or accepted, .../...

14) Autonomous data distributing machine according to claim 9,
charaterized in that in case of indecision of the means of analysis, this means calls distant means, computer means or human means.

Page 3, lines 21-26 :
If the data are not musical, or if the local means of analysis cannot provide an answer, they are either refused, or transferred to a human means.

The possible human component of the means of analysis 12 or 12a does an analysis " with the ear " of the musical data, a visual analysis of the data containing images, or a intellectual analysis of the purely data-processing data.

15) Autonomous data distributing machine having at least :
a mass memory containing the data intended to be sold by the distributing machine;
a means of selection of the data contained in the mass memory;
a means of loading the data selected on independent data supports;
a means of setting the price to pay by customer to obtain the independant data support loaded with selected data;
a means of payment of the said price;
a means of availability of these independants data supports to customers;
a means of reading independent data supports brought by a creator;
a means of intermediate memory to put in standby the data brought by a creator;
a means of writing on the mass memory the data brought by a creator;
characterized in that it has a means to determine the capacity of the mass memory which will be occupied by the data brought by a creator and in standby in the intermediate memory.

Page 1, lines 38-41 :
The invention introduces a new fundamental aspect into the distributions of the data: the possibility for the producers of these data, or for the labels representing them, quasi automatically to charge these data on the mass memory of a slot-machine, at the price of the hiring of the memory capacity 13 of this mass memory occupied by these data loaded.
Page 1, lines 47-489 :
This reading device makes an analysis of these data, accepts them or not, and determines the price of hiring of the memory capacity used in the said mass memory.

16) Autonomous data distributing machine according to claim 15,
characterized in that it has a means to set the price of the hiring of the capacity of the mass memory which will be occupied by the data brought by a creator and in standby in the intermediate memory, and eventually in mass memories of distant other data distributing machines.

Page 2, lines 4-7 :
Reader 11 of these independent supports containing the data to be loaded on the mass memory 6 transmits these data to a local 12 or distant 12a, automatic or human, means of

analysis, which decides acceptance or refusal of the data, and determines the amount of the hiring of memory capacity 13 used in the mass memory 6.

17) Autonomous data distributing machine according to claim 15,
characterized in that the means of setting the price to pay by a customer to obtain an indcpendent support lodead with selected data, or a particular means, sets the price to pay by the creator to load in the mass memory the data in standby in the intermediate memory.

Page 3, lines 28-35 :
With the resulting one from this analysis, the data either are refused, or accepted, and in this case the means of analysis 12 or 12a fixes the price of the hiring of used memory capacity 13 of the mass memory.

According to the request accompanying the presentation of the data to be loaded on the mass memory, this loading can be done only on the only local mass memory 6, or on mass memory distant 6a, and the price of the hiring to be then calculated according to total memory capacity 13 and 13a used in various mass memory 6 and 6a.

18) Autonomous data distributing machine according to claim 15,
charaterized in that the means of payment of the price for obtain independent data support loaded with selected data, or a particular means, authorises the loading on the mass memory of the data brought by a creator and in standby in the intermediate memory only when the price of the hiring is paid.

Page 3, lines 37-39 :
The means of payment 5 of former art, or a means of payment dedicated 5a, authorize the loading of the data on the mass memory 6 or 6a that only after payment of the price of hiring determined by the means of analysis 12 or 12a.

19) Autonomous data distributing-machine having at least :
a mass memory containing the data intended to be sold by the distributing machine;
a means of selection of the data contained in the mass memory;
a means of loading the data selected on independent data supports;
a means of setting the price to pay by customer to obtain the independant data support loaded with selected data;
a means of payment of the said price;
a means of availability of these independants data supports to customers;
a means of analysis allowing the creation and the comparison of numerical fingerprint;
characterized in that it has a means of reading independent data supports brought by a creator.

Page 1, lines 43-45 :
To allow this easy access of the producers to this means of diffusion, the means of mass storage of the slot-machine is fed partly or entirely from independent supports of data read by a suitable reading device.
Page 2, line 35-369 :
***11 - According to the invention** - Reader of independent supports 10 containing the data to be written on the mass memory 6*
Page 3, lines 2-3 :
The mass memory 6 of former art is fed, according to the invention, by the data contained on independent supports 10 being able to be read by a suitable reader 11.

20) Autonomous data distributing machine according to claim 19,
characterized in that it has an intermediate memory to put in standby the data brought by a creator.

Page 2, line 37-38 :
***11a - According to the invention** - Memory to store temporaryly the data to be written on the mass memory 6*

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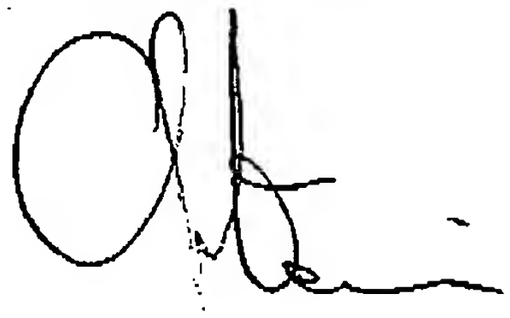
Page 3, lines 8-10 :
This suitable reader 11 includes a means of temporary storage 11a in connection with a means of analysis local 12, or distant 12a, purely data-processing or with human component.



Goulven VERNOIS

22/01/09-10:39 13 PCT 1454 US 10/560,249 (DI20090119)
3 independent claims

RO 1454 07/04/0
US 10/560,243

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QUESTIONS, ARGUMENTS, REMARKS, PROPOSALS.

Having considered materials of the application, the examiner established the following :

Applied has been the «AUTONOMOUS MACHINE FOR DATA COLLECTION AND DISTRIBUTION». The applicant has characterised the invention in one independent and seven dependant claims. The applicant requests establishement of priority under the first application 03/07104, filed with the Patent Office of France.

There was found that known is a «AUTONOMOUS MACHINE FOR DATA COLLECTION AND DISTRIBUTION» (US 5949688A, G08F 17/00, 07.08.1999/1/1/, this patent was cited in the International Preliminary Examination Report). As well as in the filed machine, the known device comprises:

- mass memory /1/, Fig.2, position 220, since the text reeds that it stores data, intended for selection from the memory by the client /1/, column 3, lines 20-25 ;
- means of selection of data, contained in the mass memory, /1/, fig.2, position 12,
- means of loading of the selected data on independent data supports /1/, fig. 2, position 222, column 3, 25-36.

The proposed machine differs from the known one /1/ in that «it has a reader directly accessible from outer, and dedicated to the reading of data supports brought by a creator. for example CD or DVD ».

There is known a reader directly accessible from outer and intended for reading data from the data supports, provided by the creator, for example CD or DVD » (See for example the following source – Reznikov F.N. «Creation and copying of disks CD-ROM, AudioCD, VideoCD, DVD ». – Moscow, «Luchie knigi », 2003 p. 22-24 /2/.

In /2/ there is disclosed the reader directly accessible from outer and intended for reading the data of the disks and loading them into the memory in such a way, as it is disclosed on p. 3 of the specification, lines 1-2 above in respect of the differring features, stated in the claims.

The applicant did not define the technical result of the filed invention.

On page 2 of the specification it is said that

To allow the easy access of the producers to the means of distribution, the means of mass storage of the slot-machine is fed partly or entirely from independent supports of data read by a suitable reading device.

Thus, one can make a conclusion that the technical result is ensuring of loading of the memory with the use of independent data supports, which are read by the reading device.

The known device /2/ also provides for reading of data from the independent data supports, and their loading into memory /2/, pages 22-24, more particularly, into the memory of computer.

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Analysis of claim 1 has shown that the filed machine is actually the known device /1/, which is supplemented by a known part /2/, connected to it by known rules and for achieving of the technical result, in respect of which there was established the influence of just these supplements.

Since the filed invention directly follows from the state of the art, it does not meet criteria of inventive level, pursuant to p.2, art. 1350 of the Civil Code of the RF (hereinafter – the Code).

Claim 3 indicates «a means of analysis providing a musical and/or lexical fingerprint or hallmark of each audio-visual piece constituting the data brought by a creator, and read by the dedicated reader»,

Claim 4 contains features: « to each piece of audio-visual data existing in the mass memory is added its musical and/or lexical fingerprint or hallmark»,

Claim 5 also states that the « Autonomous data distributing-machine contains a means of comparison of the musical and/or lexical fingerprints or hallmarks allowing to the said autonomous data distributing-machine :

a) to compare an audio-visual piece brought by a creator with audio-visual pieces existing in mass memory,

b) to accept or refuse the pieces brought by the creator ».

During analysis of the features of the claims it is verified whether the specification contains means and methods for implementing the invention in the fortm it is presented in any claim.

The examiner failed to identify the data, which confirm possibility to implement the means, identified in claim 3, the specification does not define what actually is « each piece of audio-video data, stored in mass memory, which is accompanied by corresponding musical or lexical fingerprint or hallmark», since it it not disclosed, what is understood by the features « lexical fingerprint » and « hallmark » within the context of the filed invention.

→ caractéristique

There is no data, which confirm possibility to realise the feature, disclosed in claim 6 « means to fix the price of hiring of the memory capacity which will be occupied by the accepted audio-visual data, increased by their musical and/or lexical fingerprints or hallmarks, and on standby in the intermediate memory »,

Nor the features, one of which is provided in claim 7 «specific means of payment authorizing the loading in the mass memory, of the data in standby in the intermediate memory, when the payment of the hiring is made » ;

and one more feature, which is disclosed in claim 8 : «means of analysis of the data determines and displays, in absolute value and expressed as a percentage, the sums which will be versed to the creators and/or legal claimants of the data chosen by user » .

Since the said data are absent in the materials of the application, the applicant is offered to provide information and data, which confirm possibility to implement the said features, described in publicly accessible information source before the invention's priority date.

The examiner also draws attention of the applicant to the fact that materials of the application do not contain information, disclosing functional interconnections of the features, disclosed in p. p. 3, 5, 6, 8 of the claims correspondingly : «a means of analysis providing a musical and/or lexical fingerprint or hallmark of each audio-visual piece constituting the data brought by a creator, and read by the dedicated reader ».

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10/560,249

«a means of comparison of the musical and/or lexical fingerprints or hallmarks»
and
«a means to fix the price of hiring of the memory capacity which will be occupied by the accepted audio-visual data, increased by their musical and/or lexical fingerprints or hallmarks, and on standby in the intermediate memory »
which constituate the « AUTONOMOUS MACHINE FOR DATA COLLECTION AND DISTRIBUTION» having mass memory, i.e. the means for collecting of data, as well as the means for loading of the selected data on independent data supports.

This leads to the effect that in the application not defined is the cause-and-effect relations between the said features and the technical result, disclosed on page 2 of the present Enquiry, the result being loading of the memory with the use of the independent data supports, which are read by the reader.

The applicant is required to present its opinion on the above issues, which is envisaged by p.5 art. 1386 of the Civil Code.

Please, pay attention that in case of failing to provide the required materials within the established time limit or a Request for extention of the time limit, the application shall be deemed abandoned on the basis of p.5 art. 1386 of the Code.

Leading State patent
examiner

[redacted]

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USPTO Patent Full-Text and Image Database

(1 of 1)

United States Patent **5,918,223**
Blum , et al. **June 29, 1999**

Method and article of manufacture for content-based analysis, storage, retrieval, and segmentation of audio information

Abstract

A system that performs analysis and comparison of audio data files based upon the content of the data files is presented. The analysis of the audio data produces a set of numeric values (a feature vector) that can be used to classify and rank the similarity between individual audio files typically stored in a multimedia database or on the World Wide Web. The analysis also facilitates the description of user-defined classes of audio files, based on an analysis of a set of audio files that are members of a user-defined class. The system can find sounds within a longer sound, allowing an audio recording to be automatically segmented into a series of shorter audio segments.

Inventors: **Blum; Thomas L.** (San Francisco, CA), **Keislar; Douglas F.** (Berkeley, CA), **Wheaton; James A.** (Fairfax, CA), **Wold; Erling H.** (El Cerrito, CA)
Assignee: **Muscle Fish** (Berkeley, CA)
Appl. No.: **08/897,662**
Filed: **July 21, 1997**

Related U.S. Patent Documents

Application Number	Filing Date	Patent Number	Issue Date
681174	Jul., 1996		

Current U.S. Class: 707/1 ; 707/104.1; 707/E17.009; 707/E17.101
Current International Class: G06F 17/30 (20060101); G06F 017/30 ()
Field of Search: 707/1,104 345/302

References Cited [Referenced By]

U.S. Patent Documents

AUTONOMOUS MACHINE FOR DATA COLLECTION AND DISTRIBUTION

FIELD OF THE INVENTION. The field of the invention is that of the collection and the distribution of the digital data, more particularly of the audio-visual digital data.

FORMER STATE OF THE ART. The digital audio-visual data are diffused in the form of material supports legible in adapted readers, and in the form of files transmitted by the network internet.

The US patents 5 633 839 A (ALEXANDER GREGORY et al.) of 27 May 1997, US 5 949 688 A (FORKUM ALLAN et al.) of 07 September 1999, US 6 330 490 B1 (YANG JUN MO et al.) of December 11 2001, CA 2 225 190 (R2M DISTRIB Inc) of June 18, 1999, WO 01 52125 A (MARCONI TRADES SYSTEMS LTD) of 19 July 2001, and OBVIOUS ABSTRACTS OF JAPAN of October 31, 1998, describe means of distributing commercially data loaded to the request in a memory of disc type or electronics.

The means used are schematically represented by the single figure.

A material unit 1, having the characteristics of a slot-machine of the former art, contains a stock of virgin independant supports 2, for example optical discs CD/DVD with or without protective cartridgge, protected or not by electronic modules 3, a means of distribution 4 of these independent supports 2, and a means of payment 5 allowing it possible to obtain these independent loaded supports

This material unit 1 also contains a means 6 of mass memory, for example hard disks, or optical discs.

The data stored on the mass memory 6 are loaded at the request of a means of choice 7 on the independent supports 2 by one or more means 8 of writing of these data, and a data processing means 9 determines the sum which must be provided by means of payment 5 to enter in possession of the independent support 2 loaded with the selected data.

Response of the invention to the piracy problem. The individual hacking being a cultural phenomenon as much as financial, refusal of a system of distribution seen at the internet age as obsolete, totalitarian and too expensive, it is not very probable that it can be fought successfully by technical means always got round, or by a repressive legislation, freedomkiller and probably unworkable.

The invention introduces a new fundamental aspect into the distributions of the data: the possibility for the producers of these data, or for the labels representing them, quasi automatically to charge these data on the mass memory of a slot-machine, at the price of the hiring of the memory capacity 13 of this mass memory occupied by these data loaded.

To allow this easy access of the producers to this means of diffusion, the means of mass storage of the slot-machine is fed partly or entirely from independent supports of data read by a suitable reading device.

This reading device makes an analysis of these data, accepts them or not, and determines the price of hiring of the memory capacity used in the said mass memory.

The invention cannot be opposed to the industrial piracy of data, but by improving considerably the relationship between supply and demand, it can satisfy legitimate waiting, as well of creators as of users, and put an end to a great part of this piracy.

SUMMARY OF THE INVENTION

According to the invention, the mass memory 6 of the former art is fed by data contained onto independent supports 10, for example optical disks or floppy disks, introduced into a

reader 11 in connection with said mass memory 6 <<, or by data located on a distant data storage 6a connected by a suitable connection 18>>.

Reader 11 of these Independent supports containing the data to be loaded on the mass memory 6 transmits these data to a local 12 or distant 12a, automatic or human, means of analysis, which decides acceptance or refusal of the data, and determines the amount of the hiring of memory capacity 13 used in the mass memory 6.

BRIEF DESCRIPTION OF THE FIGURE

Single figure: diagrammatic material overall picture of an autonomous slot-machine 1 of the former art, with the additions of the invention.
The various connections between the elements are not represented.
They are the connections of the former art of the electronic complex devices, for example of a computer which in general includes some of the elements of the autonomous slot-machine.
In the same way, former art describes a very great number of devices of displacement and availability of objects by slot-machines, as well as means of payment accepting coins and bank cards with code.

List items

1 and 1a - According to the invention - Automatic autonomous collector-distributor
2 and 2a - Former Art – Independent supports of data
3 - Former art – Safety electronic modules
4 – Former art - Means of availability of the independent supports 2
5 - Former art – Means of payment
6 and 6a - Former art - Means of mass memory
6b - Former art – Directory of the means of mass memory
7 – Former art – Means of choice of the data of the mass memory
7a - Former art - Means of visualization or listening of the selected data
7b - Former art - Means of manual selection of the selected data
8 – Former art - Means of writing of the selected data onto an independent support
9 Former art - Means to determine the price to pay to obtain the independent support 2 loaded with the selected data
10 - According to the invention – Independent support containing the data to be written on the mass memory 6
11 - According to the invention - Reader of independent supports 10 containing the data to be written on the mass memory 6
11a - According to the invention - Memory to store temporaryly the data to be written on the mass memory 6
12 and 12a - According to the invention - Means of analysis of the data to be written on the mass memory 6
12b and 12c - According to the invention - Spectra of musical and lexical data to be compared
13 - According to the invention – Memory capacity occupied by the data to be written on the mass memory 6
14 – Former art - Independent reader
15a and 15 B - According to the invention - Means of checking and writing of the independent data supports 2a provided by a customer
16 – According to the invention - Intermediate storage between the mass memory 6 and the means of writing 8 of the selected data
17 – Former art - Means of internal management of the autonomous slot-machine 1
18 – Former art - Means of connection between two or several autonomous slot-machines 1 and 1a
19 – Former art - Means of management of a group of autonomous slot-machines 1 and 1a
20 – Former art - Connection of the type " internet " or telephone, allowing the supply of the means of mass storage 6

DESCRIPTION

The mass memory 6 of former art is fed, according to the invention, by the data contained on independent supports 10 being able to be read by a suitable reader 11.

These independent supports 10 can be, floppy disks, optical disks, hard disks, electronic memories or all other data supports.

This suitable reader 11 includes a means of temporary storage 11a in connection with a means of analysis local 12, or distant 12a, purely data-processing or with human component.

The data-processing component of the means of analysis 12 or 12a checks the nature of the data.

In the case of musical data, the means of analysis 12 or 12a does a spectrum 12b of musical notations, and a lexical analysis of the text possibly accompanying the music, per separated pieces, and compares this spectrum and this lexical analysis with the spectra and lexical analyses 12c contained in the mass memory and accompanying each unit of stored musical data.

If the data are not musical, or if the local means of analysis cannot provide an answer, they are either refused, or transferred to a human means.

The possible human component of the means of analysis 12 or 12a does an analysis " with the ear " of the musical data, a visual analysis of the data containing images, or a intellectual analysis of the purely data-processing data.

With the resulting one from this analysis, the data either are refused, or accepted, and in this case the means of analysis 12 or 12a fixes the price of the hiring of used memory capacity 13 of the mass memory.

According to the request accompanying the presentation of the data to be loaded on the mass memory, this loading can be done only on the only local mass memory 6, or on mass memory distant 6a, and the price of the hiring to be then calculated according to total memory capacity 13 and 13a used in various mass memory 6 and 6a.

The means of payment 5 of former art, or a means of payment dedicated 5a, authorize the loading of the data on the mass memory 6 or 6a that only after payment of the price of hiring determined by the means of analysis 12 or 12a.

The characteristic elements of the data loaded on the means of mass storage 6 and 6a are written on the catalogues 6b of these means of mass storage 6 and 6a.

According to the invention, a means 9 determines, in absolute value and expressed as a percentage, the royalty paid to the beneficiaries of the selected data.

The data loaded on the means of mass storage 6 or 6a can be directly accessible advertising data in auditive or visual form.

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CLAIMS

1) Autonomous data distributing-machine having at least:
a mass memory;
a means of selection of the data contained in the mass memory;
a means of loading the data selected on independent data supports;

characterized in that it has a reader directly accessible from outer, and dedicated to the reading of data supports brought by a creator, for example CD or DVD;

2) Autonomous data distributing-machine according to claim 1,
characterized in that it has an intermediate memory in which will be charged temporarily the data read by the reader dedicated to the reading of the data support brought by a creator;

3) Autonomous data distributing-machine according to claim 1,
characterized in that it has a means of analysis providing a musical and/or lexical spectrum of each audio-visual piece constituting the data brought by a creator, and read by the dedicated reader;

4) Autonomous data distributing-machine according to claim 1,
characterized in that to each piece of audio-visual data existing in the mass memory is added its musical and/or lexical spectrum,

5) Autonomous data distributing-machine according to claim 1,
characterized in that it has a means of comparison of the musical and/or lexical spectra allowing to the said autonomous data distributing-machine :
a) to compare an audio-visual piece brought by a creator with audio-visual pieces existing in mass memory,
b) to accept or refuse the pieces brought by the creator,

6) Autonomous data distributing-machine according to claim 1,
characterized in that it has a means to fix the price of hiring of the memory capacity which will be occupied by the accepted audio-visual data, increased by their musical and/or lexical spectra, and on standby in the intermediate memory.

7) Autonomous data distributing-machine according to claim 1,
characterized in that it has a specific means of payment authorizing the loading in the mass memory, of the data in standby in the intermediate memory, when the payment of the hiring is made.

8) Autonomous slot-machine of data according to claim 1,
characterized in that the means of analysis of the data determines and displays, in absolute value and expressed as a percentage, the sums which will be versed to the creators and/or legal claimants of the data choosen by user.

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